

SENATE BILL NO. 235—SENATORS WOODHOUSE, PARKS, CANCELA, SPEARMAN; ATKINSON, CANNIZZARO, DENIS, FARLEY, MANENDO AND SEGERBLOM

MARCH 6, 2017

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Provides for the regulation of ticket sales to an athletic contest or live entertainment event in certain circumstances. (BDR 52-672)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to trade practices; making certain sales of tickets a deceptive trade practice; regulating the manner in which tickets to an athletic contest or live entertainment event may be sold in certain circumstances; requiring certain disclosures to be made by resellers and ticket brokers; prohibiting the use of an Internet robot for certain purposes relating to ticket sales; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law prohibits a number of deceptive trade practices, including, without
2 limitation, pyramid schemes and violations of requirements relating to charitable
3 solicitations, sales promotions, door-to-door sales and grant writing services. (NRS
4 598.110, 598.1305, 598.139, 598.2801, 598.595) Existing law authorizes the
5 Attorney General, the Commissioner of Consumer Affairs and the Director of the
6 Department of Business and Industry to investigate and prosecute deceptive trade
7 practices, which may include, without limitation, criminal prosecution or the
8 imposition of certain civil penalties. (NRS 598.0903-598.0999) **Section 2** of this
9 bill makes a violation of the provisions of this bill relating to ticket sales a
10 deceptive trade practice subject to enforcement as such. **Sections 19-29** of this bill
11 make conforming changes.

12 **Sections 9, 10 and 13** of this bill define “reseller” for the provisions of this bill
13 relating to ticket sales, as a person who: (1) annually sells 25 or more tickets to an
14 athletic contest or live entertainment event; and (2) has not been sanctioned to sell
15 such tickets by certain authorized persons associated with the athletic contest or



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16 live entertainment event. **Section 14** of this bill requires a reseller who sells such
17 tickets on an Internet website to make certain disclosures to a ticket purchaser
18 before a resale is completed, including: (1) the face value of the ticket; (2) the
19 location of any seat associated with the ticket; (3) whether the ticket is in the actual
20 possession of the reseller at the time of purchase; and (4) that the reseller has not
21 been sanctioned to resell tickets to the athletic contest or live entertainment event
22 by an authorized person associated with the contest or event.

23 **Sections 12 and 13** of this bill define a “ticket broker” as a reseller who
24 annually resells 25 or more tickets to an athletic contest or live entertainment event
25 at a price greater than the face value of the tickets. **Section 15** of this bill requires a
26 ticket broker to make certain disclosures to a ticket purchaser before completing the
27 resale, including: (1) the face value of the ticket; (2) the location of any seat
28 associated with the ticket; and (3) the right of the purchaser to a refund if an athletic
29 contest or live entertainment event is cancelled and not rescheduled. **Section 15**
30 further authorizes a ticket broker to only resell tickets at his or her registered office,
31 established place of business or Internet website and prohibits a ticket broker from
32 reselling tickets to an athletic contest or live entertainment event before tickets to
33 such contest or event are made available to the public by an authorized person
34 associated with the contest or event. **Section 15** of this bill also prohibits a ticket
35 broker from employing any person to wait in line to purchase tickets to an athletic
36 contest or a live entertainment event for the purpose of offering such tickets for
37 resale. If a ticket broker maintains an Internet website, the broker is also required to
38 make the disclosures relating to resellers which are required by **section 14** of this
39 bill.

40 **Section 16** of this bill defines “Internet robot” as a software application that
41 attempts or completes an automated transaction on an Internet website. **Section 16**
42 prohibits the use of an Internet robot for the purposes of circumventing the ticket
43 purchasing process on an Internet website or to disguise the identity of the ticket
44 purchaser in order to obtain a greater quantity of tickets than authorized. **Section 16**
45 also authorizes a person injured by the use of an Internet robot in violation of these
46 provisions to bring a civil action to seek: (1) declaratory and injunctive relief; and
47 (2) actual damages or \$100, whichever is greater.

48 **Section 13** of this bill exempts a person from the requirements of this bill if
49 such a person resells less than 25 tickets per calendar year or resells tickets which
50 were obtained for personal use. **Section 17** provides that a violation of any of the
51 provisions of this bill is a misdemeanor unless a greater penalty is otherwise
52 provided by law.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 598 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 18, inclusive, of this
3 act.

4 **Sec. 2.** *A person engages in a “deceptive trade practice”*
5 *when, in the course of his or her business or occupation, he or she*
6 *violates a provision of sections 3 to 18, inclusive, of this act.*

7 **Sec. 3.** *As used in sections 3 to 18, inclusive, of this act,*
8 *unless the context otherwise requires, the words and terms defined*
9 *in sections 4 to 12, inclusive, of this act have the meanings*
10 *ascribed to them in those sections.*



1 **Sec. 4.** *“Athletic contest” means any contest, game or other*
2 *event involving the athletic or physical skills of an amateur*
3 *athlete, intercollegiate athlete or professional athlete held at an*
4 *entertainment facility for which a ticket is required for admission.*

5 **Sec. 5.** *“Authorized person” means a person who is*
6 *responsible for directing, financing, managing, participating in,*
7 *promoting, organizing, sponsoring or otherwise directly involved*
8 *in the staging or presentation of an athletic contest or live*
9 *entertainment event, or the affiliate or agent of any such persons.*

10 **Sec. 6.** *“Entertainment facility” means an indoor or outdoor*
11 *area, including, without limitation, an arena, auditorium,*
12 *museum, racetrack or stadium in which an athletic contest or live*
13 *entertainment event is staged and for which a ticket is required for*
14 *admission.*

15 **Sec. 7.** *“Face value” means the monetary value printed on a*
16 *ticket by an authorized person.*

17 **Sec. 8.** *“Live entertainment event” means any activity*
18 *provided for pleasure, enjoyment, recreation, relaxation, diversion*
19 *or other similar purpose by a person who is physically present*
20 *when providing that activity to a group of patrons at an*
21 *entertainment facility, including, without limitation, any lecture,*
22 *exhibition of art, performance of comedy, dance, music, theater or*
23 *any other entertainment event or show.*

24 **Sec. 9.** *“Resale” or “resell” means an offer or completed*
25 *transaction for the sale of a ticket to an athletic contest or a live*
26 *entertainment event by a person who has not been sanctioned by*
27 *an authorized person to sell tickets for such contest or event. The*
28 *term includes, without limitation, the sale of a ticket made in*
29 *person or by telephone, Internet website or any other means of*
30 *communication or exchange.*

31 **Sec. 10.** *“Reseller” means any person who is subject to the*
32 *provisions of sections 3 to 18, inclusive, of this act, as determined*
33 *pursuant to paragraph (a) of subsection 1 of section 13 of this act,*
34 *and includes a ticket broker.*

35 **Sec. 11.** *“Ticket” means a certificate, document, token,*
36 *voucher or other evidence, whether physical or electronic, which*
37 *has a printed face value and indicates that the bearer or other*
38 *person who is entitled to possession of the ticket has the right or*
39 *privilege of admission to an athletic contest or live entertainment*
40 *event, to occupy or have access to a particular area or seat within*
41 *an entertainment facility or to acquire such a right or privilege.*

42 **Sec. 12.** *“Ticket broker” means a person who is subject to*
43 *the provisions of sections 3 to 18, inclusive, of this act, as*
44 *determined pursuant to paragraph (b) of subsection 1 of section 13*
45 *of this act.*



1 **Sec. 13. 1.** *Except as otherwise provided in this section, the*
2 *provisions of sections 3 to 18, inclusive, of this act apply only to a*
3 *person who, during a calendar year:*

4 (a) *Purchases and then offers for resale 25 or more tickets for*
5 *admission to an athletic contest or live entertainment event.*

6 (b) *Purchases and then offers for resale 25 or more tickets for*
7 *admission to an athletic contest or live entertainment event, at a*
8 *price greater than the face value of the tickets, or any person who*
9 *advertises or sanctions such resales or acts in concert with another*
10 *person who engages in such resales of tickets on a regular basis.*

11 **2.** *The provisions of sections 3 to 18, inclusive, of this act do*
12 *not apply to:*

13 (a) *A person who resells a ticket obtained for personal use or*
14 *for the use of another person who was known to the person that*
15 *obtained the ticket before the purchase of such ticket.*

16 (b) *An authorized person.*

17 **Sec. 14. 1.** *A reseller who resells a ticket to an athletic*
18 *contest or live entertainment event on an Internet website shall*
19 *disclose to a ticket purchaser in a clear and conspicuous manner*
20 *before completing the transaction:*

21 (a) *The face value of the ticket and the location of the seat, if*
22 *any, assigned by the ticket offered for resale, including, without*
23 *limitation, any section, row, seat number or area within an*
24 *entertainment facility which is designated on the ticket;*

25 (b) *That the reseller has not been sanctioned by an authorized*
26 *person to sell tickets for the athletic contest or live entertainment*
27 *event associated with the ticket offered for resale; and*

28 (c) *Whether the ticket offered for resale is in the actual*
29 *possession of the reseller and is immediately available for delivery*
30 *to the ticket purchaser.*

31 **2.** *The Internet website of a reseller must not display a*
32 *trademarked or copyrighted URL, title, designation, image or*
33 *mark or other symbol without the written consent of the trademark*
34 *or copyright holder.*

35 **3.** *As used in this section, "URL" means the Uniform*
36 *Resource Locator associated with an Internet website.*

37 **Sec. 15. 1.** *A ticket broker shall:*

38 (a) *Post in a clear and conspicuous manner, at the registered*
39 *office and established place of business of the broker and on any*
40 *Internet website maintained by the broker, the terms and*
41 *conditions of a resale, including, without limitation, any right of a*
42 *ticket purchaser to cancel a purchase.*

43 (b) *Disclose to the ticket purchaser, before completing the*
44 *resale of the ticket to the purchaser:*



1 (1) *That the ticket purchaser is entitled to a refund of any*
2 *amount received from the purchaser if the athletic contest or live*
3 *entertainment event associated with such ticket is cancelled and*
4 *not rescheduled.*

5 (2) *The face value of the ticket and the location of the seat,*
6 *if any, assigned by the ticket which is offered for resale, including,*
7 *without limitation, any section, row, seat number or area within*
8 *an entertainment facility which is designated on the ticket.*

9 (c) *Refund any amount received from a ticket purchaser if the*
10 *athletic contest or live entertainment event associated with such*
11 *ticket is cancelled and not rescheduled.*

12 (d) *Resell tickets only at the registered office or established*
13 *place of business of the broker or on an Internet website*
14 *maintained by the broker.*

15 2. *A ticket broker shall not resell tickets to an athletic contest*
16 *or live entertainment event until tickets are made available for*
17 *purchase to the general public by an authorized person.*

18 3. *A ticket broker shall not, directly or indirectly, employ any*
19 *person to wait in line to purchase tickets to an athletic contest or*
20 *live entertainment event for the purpose of offering such tickets*
21 *for resale.*

22 4. *As used in this section, the term "established place of*
23 *business" does not include a temporary location on a sidewalk,*
24 *parking lot or other public area in the vicinity of an entertainment*
25 *facility which is vacated by a ticket broker after the conclusion of*
26 *an athletic contest or a live entertainment event.*

27 **Sec. 16. 1. A person shall not use an Internet robot to:**

28 (a) *Circumvent any portion of the process for purchasing a*
29 *ticket on an Internet website, including, without limitation, any*
30 *security or identity validation measures or an access control*
31 *system; or*

32 (b) *Disguise the identity of a ticket purchaser for the purpose*
33 *of purchasing a number of tickets for admission to an athletic*
34 *contest or live entertainment event which exceeds the maximum*
35 *number of tickets allowed for purchase by an authorized person.*

36 2. *A person injured by a violation of this section may bring a*
37 *civil action in a court of competent jurisdiction against the person*
38 *who committed the violation to seek:*

39 (a) *Declaratory and injunctive relief.*

40 (b) *Actual damages or \$100, whichever is greater.*

41 3. *As used in this section, "Internet robot" means a software*
42 *application that attempts or completes an automated transaction*
43 *on an Internet website.*



1 **Sec. 17.** *Unless a greater penalty is provided in NRS*
2 *598.0999, a person who violates the provisions of sections 3 to 18,*
3 *inclusive, of this act is guilty of a misdemeanor.*

4 **Sec. 18.** *A person may file a complaint with the Attorney*
5 *General, the Commissioner of Consumer Affairs or the Director of*
6 *the Department of Business and Industry relating to a suspected*
7 *violation of sections 3 to 18, inclusive, of this act.*

8 **Sec. 19.** NRS 598.0903 is hereby amended to read as follows:

9 598.0903 As used in NRS 598.0903 to 598.0999, inclusive,
10 *and section 2 of this act*, unless the context otherwise requires, the
11 words and terms defined in NRS 598.0905 to 598.0947, inclusive,
12 *and section 2 of this act* have the meanings ascribed to them in
13 those sections.

14 **Sec. 20.** NRS 598.0953 is hereby amended to read as follows:

15 598.0953 1. Evidence that a person has engaged in a
16 deceptive trade practice is prima facie evidence of intent to injure
17 competitors and to destroy or substantially lessen competition.

18 2. The deceptive trade practices listed in NRS 598.0915 to
19 598.0925, inclusive, *and section 2 of this act* are in addition to and
20 do not limit the types of unfair trade practices actionable at common
21 law or defined as such in other statutes of this State.

22 **Sec. 21.** NRS 598.0955 is hereby amended to read as follows:

23 598.0955 1. The provisions of NRS 598.0903 to 598.0999,
24 inclusive, *and section 2 of this act* do not apply to:

25 (a) Conduct in compliance with the orders or rules of, or a
26 statute administered by, a federal, state or local governmental
27 agency.

28 (b) Publishers, including outdoor advertising media, advertising
29 agencies, broadcasters or printers engaged in the dissemination of
30 information or reproduction of printed or pictorial matter who
31 publish, broadcast or reproduce material without knowledge of its
32 deceptive character.

33 (c) Actions or appeals pending on July 1, 1973.

34 2. The provisions of NRS 598.0903 to 598.0999, inclusive, *and*
35 *section 2 of this act* do not apply to the use by a person of any
36 service mark, trademark, certification mark, collective mark, trade
37 name or other trade identification which was used and not
38 abandoned prior to July 1, 1973, if the use was in good faith and is
39 otherwise lawful except for the provisions of NRS 598.0903 to
40 598.0999, inclusive **H**, *and section 2 of this act*.

41 **Sec. 22.** NRS 598.0963 is hereby amended to read as follows:

42 598.0963 1. Whenever the Attorney General is requested in
43 writing by the Commissioner or the Director to represent him or her
44 in instituting a legal proceeding against a person who has engaged
45 or is engaging in a deceptive trade practice, the Attorney General



1 may bring an action in the name of the State of Nevada against that
2 person on behalf of the Commissioner or Director.

3 2. The Attorney General may institute criminal proceedings to
4 enforce the provisions of NRS 598.0903 to 598.0999, inclusive **H**,
5 **and section 2 of this act**. The Attorney General is not required to
6 obtain leave of the court before instituting criminal proceedings
7 pursuant to this subsection.

8 3. If the Attorney General has reason to believe that a person
9 has engaged or is engaging in a deceptive trade practice, the
10 Attorney General may bring an action in the name of the State of
11 Nevada against that person to obtain a temporary restraining order, a
12 preliminary or permanent injunction, or other appropriate relief.

13 4. If the Attorney General has cause to believe that a person
14 has engaged or is engaging in a deceptive trade practice, the
15 Attorney General may issue a subpoena to require the testimony of
16 any person or the production of any documents, and may administer
17 an oath or affirmation to any person providing such testimony. The
18 subpoena must be served upon the person in the manner required for
19 service of process in this State or by certified mail with return
20 receipt requested. An employee of the Attorney General may
21 personally serve the subpoena.

22 **Sec. 23.** NRS 598.0967 is hereby amended to read as follows:

23 598.0967 1. The Commissioner and the Director, in addition
24 to other powers conferred upon them by NRS 598.0903 to
25 598.0999, inclusive, **and section 2 of this act**, may issue subpoenas
26 to require the attendance of witnesses or the production of
27 documents, conduct hearings in aid of any investigation or inquiry
28 and prescribe such forms and adopt such regulations as may be
29 necessary to administer the provisions of NRS 598.0903 to
30 598.0999, inclusive **H**, **and section 2 of this act**. Such regulations
31 may include, without limitation, provisions concerning the
32 applicability of the provisions of NRS 598.0903 to 598.0999,
33 inclusive, **and section 2 of this act** to particular persons or
34 circumstances.

35 2. Except as otherwise provided in this subsection, service of
36 any notice or subpoena must be made by certified mail with return
37 receipt or as otherwise allowed by law. An employee of the
38 Consumer Affairs Division of the Department of Business and
39 Industry may personally serve a subpoena issued pursuant to this
40 section.

41 **Sec. 24.** NRS 598.0971 is hereby amended to read as follows:

42 598.0971 1. If, after an investigation, the Commissioner has
43 reasonable cause to believe that any person has been engaged or is
44 engaging in any deceptive trade practice in violation of NRS
45 598.0903 to 598.0999, inclusive, **and section 2 of this act**, the



1 Commissioner may issue an order directed to the person to show
2 cause why the Director should not order the person to cease and
3 desist from engaging in the practice and to pay an administrative
4 fine. The order must contain a statement of the charges and a notice
5 of a hearing to be held thereon. The order must be served upon the
6 person directly or by certified or registered mail, return receipt
7 requested.

8 2. An administrative hearing on any action brought by the
9 Commissioner must be conducted before the Director or his or her
10 designee.

11 3. If, after conducting a hearing pursuant to the provisions of
12 subsection 2, the Director or his or her designee determines that the
13 person has violated any of the provisions of NRS 598.0903 to
14 598.0999, inclusive, *and section 2 of this act*, or if the person fails
15 to appear for the hearing after being properly served with the
16 statement of charges and notice of hearing, the Director or his or her
17 designee shall issue an order setting forth his or her findings of fact
18 concerning the violation and cause to be served a copy thereof upon
19 the person and any intervener at the hearing. If the Director or his or
20 her designee determines in the report that such a violation has
21 occurred, he or she may order the violator to:

22 (a) Cease and desist from engaging in the practice or other
23 activity constituting the violation;

24 (b) Pay the costs of conducting the investigation, costs of
25 conducting the hearing, costs of reporting services, fees for experts
26 and other witnesses, charges for the rental of a hearing room if such
27 a room is not available to the Director or his or her designee free of
28 charge, charges for providing an independent hearing officer, if any,
29 and charges incurred for any service of process, if the violator is
30 adjudicated to have committed a violation of NRS 598.0903 to
31 598.0999, inclusive ~~†~~, *and section 2 of this act*;

32 (c) Provide restitution for any money or property improperly
33 received or obtained as a result of the violation; and

34 (d) Impose an administrative fine of \$1,000 or treble the amount
35 of restitution ordered, whichever is greater.

36 ➤ The order must be served upon the person directly or by certified
37 or registered mail, return receipt requested. The order becomes
38 effective upon service in the manner provided in this subsection.

39 4. Any person whose pecuniary interests are directly and
40 immediately affected by an order issued pursuant to subsection 3 or
41 who is aggrieved by the order may petition for judicial review in the
42 manner provided in chapter 233B of NRS. Such a petition must be
43 filed within 30 days after the service of the order. The order
44 becomes final upon the filing of the petition.



1 5. If a person fails to comply with any provision of an order
2 issued pursuant to subsection 3, the Commissioner or the Director
3 may, through the Attorney General, at any time after 30 days after
4 the service of the order, cause an action to be instituted in the
5 district court of the county wherein the person resides or has his or
6 her principal place of business requesting the court to enforce the
7 provisions of the order or to provide any other appropriate
8 injunctive relief.

9 6. If the court finds that:

10 (a) The violation complained of is a deceptive trade practice;

11 (b) The proceedings by the Director or his or her designee
12 concerning the written report and any order issued pursuant to
13 subsection 3 are in the interest of the public; and

14 (c) The findings of the Director or his or her designee are
15 supported by the weight of the evidence,

16 the court shall issue an order enforcing the provisions of the order
17 of the Director or his or her designee.

18 7. An order issued pursuant to subsection 6 may include:

19 (a) A provision requiring the payment to the Consumer Affairs
20 Division of the Department of Business and Industry of a penalty of
21 not more than \$5,000 for each act amounting to a failure to comply
22 with the Director's or designee's order;

23 (b) An order that the person cease doing business within this
24 State; and

25 (c) Such injunctive or other equitable or extraordinary relief as
26 is determined appropriate by the court.

27 8. Any aggrieved party may appeal from the final judgment,
28 order or decree of the court in a like manner as provided for appeals
29 in civil cases.

30 9. Upon the violation of any judgment, order or decree issued
31 pursuant to subsection 6 or 7, the Commissioner, after a hearing
32 thereon, may proceed in accordance with the provisions of
33 NRS 598.0999.

34 **Sec. 25.** NRS 598.0985 is hereby amended to read as follows:

35 598.0985 Notwithstanding the requirement of knowledge as an
36 element of a deceptive trade practice, and notwithstanding the
37 enforcement powers granted to the Commissioner or Director
38 pursuant to NRS 598.0903 to 598.0999, inclusive, *and section 2 of*
39 *this act*, whenever the district attorney of any county has reason to
40 believe that any person is using, has used or is about to use any
41 deceptive trade practice, knowingly or otherwise, he or she may
42 bring an action in the name of the State of Nevada against that
43 person to obtain a temporary or permanent injunction against the
44 deceptive trade practice.



1 **Sec. 26.** NRS 598.0993 is hereby amended to read as follows:
2 598.0993 The court in which an action is brought pursuant to
3 NRS 598.0979 and 598.0985 to 598.099, inclusive, may make such
4 additional orders or judgments as may be necessary to restore to any
5 person in interest any money or property, real or personal, which
6 may have been acquired by means of any deceptive trade practice
7 which violates any of the provisions of NRS 598.0903 to 598.0999,
8 inclusive, *and section 2 of this act*, but such additional orders or
9 judgments may be entered only after a final determination has been
10 made that a deceptive trade practice has occurred.

11 **Sec. 27.** NRS 598.0999 is hereby amended to read as follows:
12 598.0999 1. Except as otherwise provided in NRS 598.0974,
13 a person who violates a court order or injunction issued pursuant to
14 the provisions of NRS 598.0903 to 598.0999, inclusive, *and section*
15 *2 of this act*, upon a complaint brought by the Commissioner, the
16 Director, the district attorney of any county of this State or the
17 Attorney General shall forfeit and pay to the State General Fund a
18 civil penalty of not more than \$10,000 for each violation. For the
19 purpose of this section, the court issuing the order or injunction
20 retains jurisdiction over the action or proceeding. Such civil
21 penalties are in addition to any other penalty or remedy available for
22 the enforcement of the provisions of NRS 598.0903 to 598.0999,
23 inclusive **H**, *and section 2 of this act*.

24 2. Except as otherwise provided in NRS 598.0974, in any
25 action brought pursuant to the provisions of NRS 598.0903 to
26 598.0999, inclusive, *and section 2 of this act*, if the court finds that
27 a person has willfully engaged in a deceptive trade practice, the
28 Commissioner, the Director, the district attorney of any county in
29 this State or the Attorney General bringing the action may recover a
30 civil penalty not to exceed \$5,000 for each violation. The court in
31 any such action may, in addition to any other relief or
32 reimbursement, award reasonable attorney's fees and costs.

33 3. A natural person, firm, or any officer or managing agent of
34 any corporation or association who knowingly and willfully engages
35 in a deceptive trade practice:

36 (a) For the first offense, is guilty of a misdemeanor.

37 (b) For the second offense, is guilty of a gross misdemeanor.

38 (c) For the third and all subsequent offenses, is guilty of a
39 category D felony and shall be punished as provided in
40 NRS 193.130.

41 ➔ The court may require the natural person, firm, or officer or
42 managing agent of the corporation or association to pay to the
43 aggrieved party damages on all profits derived from the knowing
44 and willful engagement in a deceptive trade practice and treble



1 damages on all damages suffered by reason of the deceptive trade
2 practice.

3 4. Any offense which occurred within 10 years immediately
4 preceding the date of the principal offense or after the principal
5 offense constitutes a prior offense for the purposes of subsection 3
6 when evidenced by a conviction, without regard to the sequence of
7 the offenses and convictions.

8 5. If a person violates any provision of NRS 598.0903
9 to 598.0999, inclusive, *and section 2 of this act*, 598.100 to
10 598.2801, inclusive, 598.305 to 598.395, inclusive, 598.405 to
11 598.525, inclusive, 598.741 to 598.787, inclusive, or 598.840
12 to 598.966, inclusive, fails to comply with a judgment or order of
13 any court in this State concerning a violation of such a provision, or
14 fails to comply with an assurance of discontinuance or other
15 agreement concerning an alleged violation of such a provision, the
16 Commissioner or the district attorney of any county may bring an
17 action in the name of the State of Nevada seeking:

18 (a) The suspension of the person's privilege to conduct business
19 within this State; or

20 (b) If the defendant is a corporation, dissolution of the
21 corporation.

22 ➤ The court may grant or deny the relief sought or may order other
23 appropriate relief.

24 6. If a person violates any provision of NRS 228.500 to
25 228.640, inclusive, fails to comply with a judgment or order of any
26 court in this State concerning a violation of such a provision, or fails
27 to comply with an assurance of discontinuance or other agreement
28 concerning an alleged violation of such a provision, the Attorney
29 General may bring an action in the name of the State of Nevada
30 seeking:

31 (a) The suspension of the person's privilege to conduct business
32 within this State; or

33 (b) If the defendant is a corporation, dissolution of the
34 corporation.

35 ➤ The court may grant or deny the relief sought or may order other
36 appropriate relief.

37 **Sec. 28.** NRS 11.190 is hereby amended to read as follows:

38 11.190 Except as otherwise provided in NRS 40.4639,
39 125B.050 and 217.007, actions other than those for the recovery of
40 real property, unless further limited by specific statute, may only be
41 commenced as follows:

42 1. Within 6 years:

43 (a) Except as otherwise provided in NRS 62B.420 and 176.275,
44 an action upon a judgment or decree of any court of the United



1 States, or of any state or territory within the United States, or the
2 renewal thereof.

3 (b) An action upon a contract, obligation or liability founded
4 upon an instrument in writing, except those mentioned in the
5 preceding sections of this chapter.

6 2. Within 4 years:

7 (a) An action on an open account for goods, wares and
8 merchandise sold and delivered.

9 (b) An action for any article charged on an account in a store.

10 (c) An action upon a contract, obligation or liability not founded
11 upon an instrument in writing.

12 (d) An action against a person alleged to have committed a
13 deceptive trade practice in violation of NRS 598.0903 to 598.0999,
14 inclusive, *and section 2 of this act*, but the cause of action shall be
15 deemed to accrue when the aggrieved party discovers, or by the
16 exercise of due diligence should have discovered, the facts
17 constituting the deceptive trade practice.

18 3. Within 3 years:

19 (a) An action upon a liability created by statute, other than a
20 penalty or forfeiture.

21 (b) An action for waste or trespass of real property, but when the
22 waste or trespass is committed by means of underground works
23 upon any mining claim, the cause of action shall be deemed to
24 accrue upon the discovery by the aggrieved party of the facts
25 constituting the waste or trespass.

26 (c) An action for taking, detaining or injuring personal property,
27 including actions for specific recovery thereof, but in all cases
28 where the subject of the action is a domestic animal usually included
29 in the term "livestock," which has a recorded mark or brand upon it
30 at the time of its loss, and which strays or is stolen from the true
31 owner without the owner's fault, the statute does not begin to run
32 against an action for the recovery of the animal until the owner has
33 actual knowledge of such facts as would put a reasonable person
34 upon inquiry as to the possession thereof by the defendant.

35 (d) Except as otherwise provided in NRS 112.230 and 166.170,
36 an action for relief on the ground of fraud or mistake, but the cause
37 of action in such a case shall be deemed to accrue upon the
38 discovery by the aggrieved party of the facts constituting the fraud
39 or mistake.

40 (e) An action pursuant to NRS 40.750 for damages sustained by
41 a financial institution or other lender because of its reliance on
42 certain fraudulent conduct of a borrower, but the cause of action in
43 such a case shall be deemed to accrue upon the discovery by the
44 financial institution or other lender of the facts constituting the
45 concealment or false statement.



1 4. Within 2 years:

2 (a) An action against a sheriff, coroner or constable upon
3 liability incurred by acting in his or her official capacity and in
4 virtue of his or her office, or by the omission of an official duty,
5 including the nonpayment of money collected upon an execution.

6 (b) An action upon a statute for a penalty or forfeiture, where the
7 action is given to a person or the State, or both, except when the
8 statute imposing it prescribes a different limitation.

9 (c) An action for libel, slander, assault, battery, false
10 imprisonment or seduction.

11 (d) An action against a sheriff or other officer for the escape of a
12 prisoner arrested or imprisoned on civil process.

13 (e) Except as otherwise provided in NRS 11.215, an action to
14 recover damages for injuries to a person or for the death of a person
15 caused by the wrongful act or neglect of another. The provisions of
16 this paragraph relating to an action to recover damages for injuries
17 to a person apply only to causes of action which accrue after
18 March 20, 1951.

19 (f) An action to recover damages under NRS 41.740.

20 5. Within 1 year:

21 (a) An action against an officer, or officer de facto to recover
22 goods, wares, merchandise or other property seized by the officer in
23 his or her official capacity, as tax collector, or to recover the price or
24 value of goods, wares, merchandise or other personal property so
25 seized, or for damages for the seizure, detention or sale of, or injury
26 to, goods, wares, merchandise or other personal property seized, or
27 for damages done to any person or property in making the seizure.

28 (b) An action against an officer, or officer de facto for money
29 paid to the officer under protest, or seized by the officer in his or her
30 official capacity, as a collector of taxes, and which, it is claimed,
31 ought to be refunded.

32 **Sec. 29.** NRS 41.600 is hereby amended to read as follows:

33 41.600 1. An action may be brought by any person who is a
34 victim of consumer fraud.

35 2. As used in this section, "consumer fraud" means:

36 (a) An unlawful act as defined in NRS 119.330;

37 (b) An unlawful act as defined in NRS 205.2747;

38 (c) An act prohibited by NRS 482.36655 to 482.36667,
39 inclusive;

40 (d) An act prohibited by NRS 482.351; or

41 (e) A deceptive trade practice as defined in NRS 598.0915 to
42 598.0925, inclusive **H**, and **section 2 of this act**.

43 3. If the claimant is the prevailing party, the court shall award
44 the claimant:

45 (a) Any damages that the claimant has sustained;



- 1 (b) Any equitable relief that the court deems appropriate; and
- 2 (c) The claimant's costs in the action and reasonable attorney's
- 3 fees.
- 4 4. Any action brought pursuant to this section is not an action
- 5 upon any contract underlying the original transaction.

